

This legislative rule is filed for technical purposes

by the

Division of Natural Resources Wildlife Resources Section

All changes are shown by strike-throughs for deleted
language and underline for new language

August 1, 1995

TECHNICAL CHANGES TO
TITLE 58 CSR 11H

General Trapping Regulations - 58 CSR 11H

1. On page 1, in the title of the rule the agency name Bureau of Commerce has been added.
2. 58 CSR 11H is changed to 58 CSR 53 and renumbered accordingly throughout the rule.
3. On page 1, subsection 2.1, by striking 47 and inserting in lieu thereof 58, and by striking 11A and inserting in lieu thereof 46.
4. On page 2, subsection 3.17, by striking 47 and inserting in lieu thereof 58, and by striking 11 and inserting in lieu thereof 45.

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TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 11H53
GENERAL TRAPPING REGULATIONS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58-11H53-1. General.

1.1. Scope. -- The purpose of these regulations is to establish standards that must be complied with when trapping wildlife or furbearing animals within the boundaries of this State.

1.2. Authority. -- W. Va. Code §20-1-7(30).

1.3. Filing Date. -- June 24, 1993

1.4. Effective Date. -- July 1, 1993

§58-11H53-2. Definitions.

2.1. All terms have the meaning prescribed to them in the Regulations Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (~~4758~~ C.S.R. ~~11A46~~).

§58-11H53-3. General Trapping Rules.

3.1. Trapping is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State Wildlife Management Areas.

3.1.1. Federal regulations prohibit trapping in Harpers Ferry National Historical Park and on federally-owned land within the boundaries of the New River Gorge National River.

3.2. A trapping permit is required for State Wildlife Management Areas. This permit may be obtained from the district game biologist in the district in which the State Wildlife Management Area is situated.

3.3. All traps set during the month of February must be water sets only for the taking of beaver, mink, or muskrat.

3.4. A trapper must check and tend all traps each calendar day.

3.5. Foot snares are legal when the snare loop is at and horizontal to ground level and does not exceed six and one-half (6-1/2) inches in diameter.

3.6. It is illegal to use or set deadfalls for taking wildlife.

3.7. It is illegal to set or maintain any trap or trapping device on human foot trails or livestock paths.

3.8. It is illegal to set or use traps with an open jaw spread of more than six and one half (6-1/2) inches unless the trap is used under water for beaver.

3.9. It is illegal to use conibear or mohawk type traps for terrestrial trapping. Trappers may use conibear or mohawk type traps in water sets.

3.10. It is illegal to set or maintain, neck or body gripping snares or spring pole snares for terrestrial trapping. Trappers may use neck or body-gripping snares in water sets.

3.11. It is illegal to use steel jaw traps with any teeth on or attached to them.

3.12. It is illegal to set or maintain any trap, trap set, or snare upon any tree, post, or other natural or man-made object at any point more than three (3) lineal feet from the surface of the earth (whether the surface is water, soil, or rock) measured at a right angle from the surface to the trap or trap set, except as provided in Section 3.13 of this regulation.

3.13. The provisions of Subsection 3.12 of this regulation do not apply to traps or trap sets that are set or maintained on natural earthen mounds, such as ant hills or muskrat houses, that were constructed without human assistance.

3.14. It is illegal to use animal or bird carcasses, or parts thereof, to lure an animal to a trap set unless the carcasses, or parts thereof, are completely covered and concealed from sight.

3.15. It is illegal to take beaver, fisher, mink, or muskrat by any means other than by trap.

3.16. It is illegal for a person to have in his or her possession an untagged bobcat, or fisher hide, or parts thereof, longer than thirty (30) days following the close of the respective trapping season.

3.17. Should any person unintentionally trap and kill more than the limit fixed by The Hunting and Trapping Regulations (Exempt Rule) (4758 C.S.R. 445), as a season possession limit, he or she must within twenty-four (24) hours thereafter deliver the excess animals to a conservation officer.

3.18. Each trapper must present bobcat or fisher pelts to official game checking station or a representative of Department within thirty (30) days after the close of the trapping season for that animal. A tag provided by the division must be affixed to each bobcat or fisher pelt and remain attached to the skin until the skin has been sold, tanned, or mounted.